{deleted text} shows text that was in HB0164 but was deleted in HB0164S01.

inserted text shows text that was not in HB0164 but was inserted into HB0164S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Joel K. Briscoe proposes the following substitute bill:

PUBLIC TRANSIT FARES

2022 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor:	
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LONG TITLE

General Description:

This bill prohibits a large public transit district from charging a fare to a passenger of {a}certain public transit {service} services.

Highlighted Provisions:

This bill:

- <u>defines terms;</u>
- prohibits a large public transit district from charging a fare to a passenger of {a
 public transit service} certain bus services; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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\{17B-2a-808.1\}\underline{17B-2a-802}, as last amended by Laws of Utah \{2021\}\underline{2020}, Chapter \{239\}\underline{377}
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17B-2a-815, as last amended by Laws of Utah 2013, Chapter 216

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 17B-2a-802 is amended to read:

17B-2a-802. Definitions.

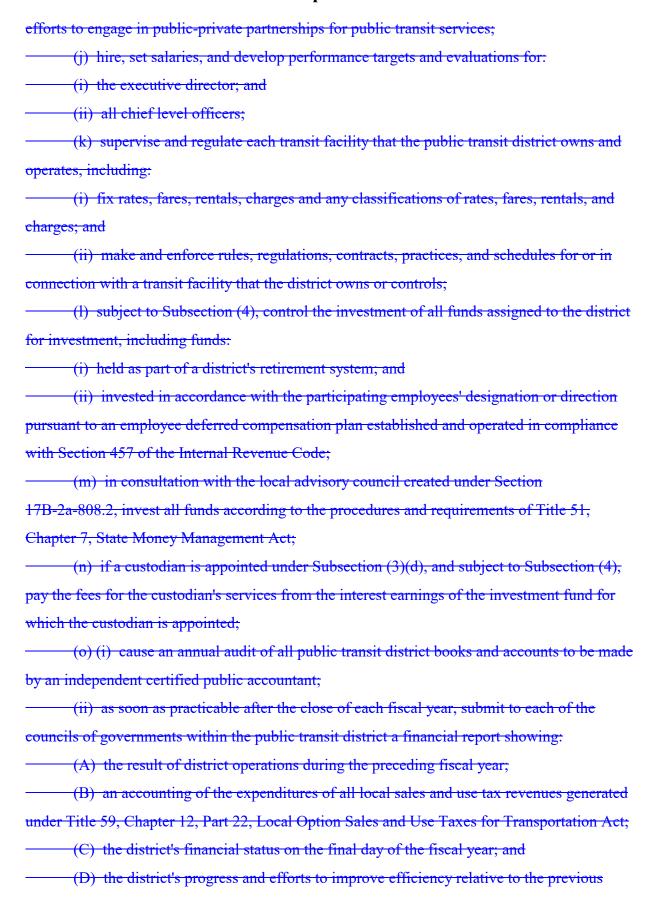
As used in this part:

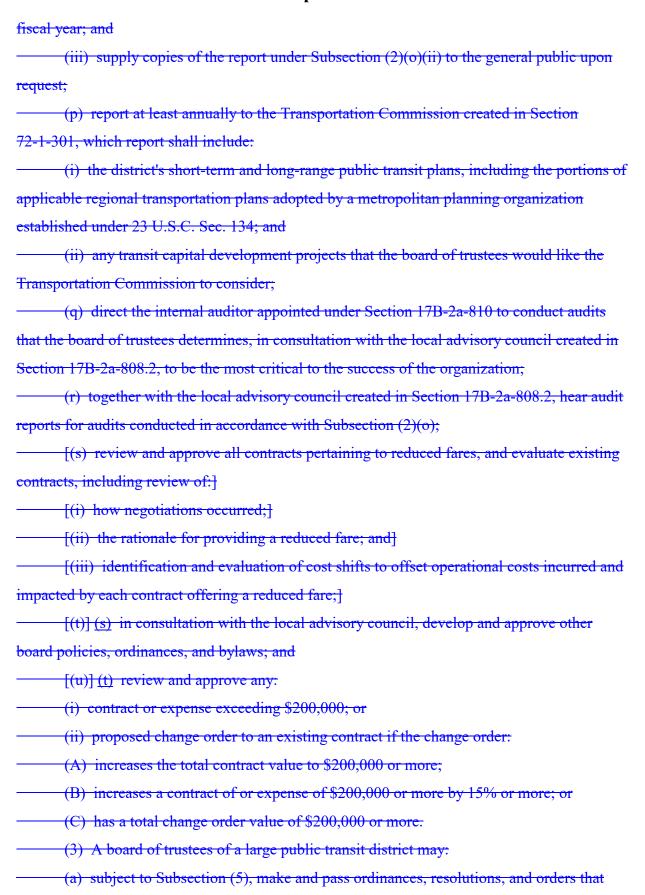
- (1) "Affordable housing" means housing occupied or reserved for occupancy by households that meet certain gross household income requirements based on the area median income for households of the same size.
- (a) "Affordable housing" may include housing occupied or reserved for occupancy by households that meet specific area median income targets or ranges of area median income targets.
- (b) "Affordable housing" does not include housing occupied or reserved for occupancy by households with gross household incomes that are more than 60% of the area median income for households of the same size.
- (2) "Appointing entity" means the person, county, unincorporated area of a county, or municipality appointing a member to a public transit district board of trustees.
- (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a small public transit district to serve as chief executive officer.
- (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and responsibilities assigned to the general manager but prescribed by the board of trustees to be fulfilled by the chief executive officer.
- (4) "Council of governments" means a decision-making body in each county composed of membership including the county governing body and the mayors of each municipality in the county.

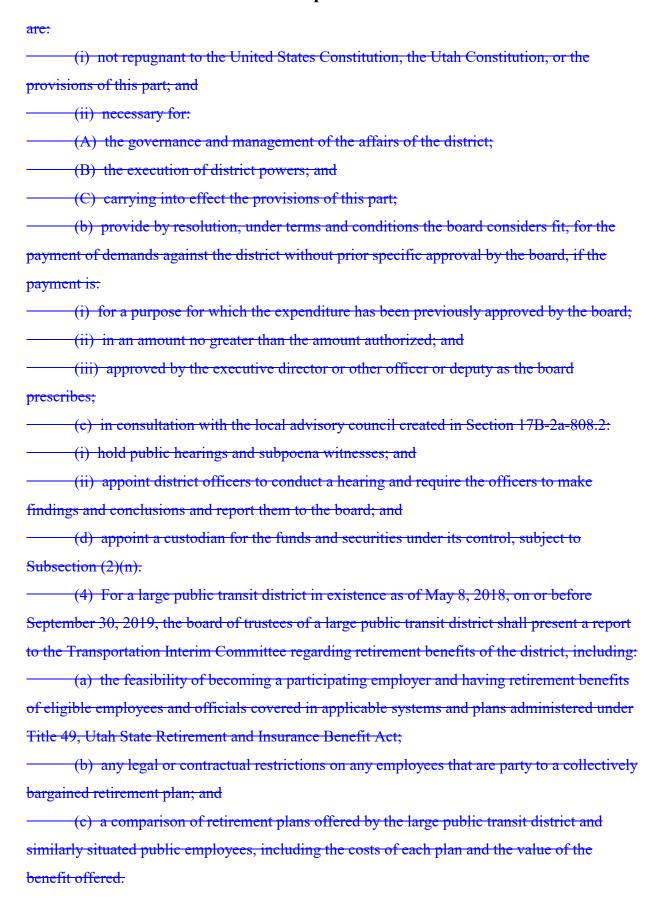
- (5) "Department" means the Department of Transportation created in Section 72-1-201.
- (6) "Executive director" means a person appointed by the board of trustees of a large public transit district to serve as executive director.
 - (7) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- [(7)](8) (a) "General manager" means a person appointed by the board of trustees of a small public transit district to serve as general manager.
- (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public transit district.
- [(8)] (9) "Large public transit district" means a public transit district that provides public transit to an area that includes:
- (a) more than 65% of the population of the state based on the most recent official census or census estimate of the United States Census Bureau; and
 - (b) two or more counties.
- [(9)] (10) (a) "Locally elected public official" means a person who holds an elected position with a county or municipality.
- (b) "Locally elected public official" does not include a person who holds an elected position if the elected position is not with a county or municipality.
- [(10)](11) "Metropolitan planning organization" means the same as that term is defined in Section 72-1-208.5.
- [(11)] (12) "Multicounty district" means a public transit district located in more than one county.
- [(12)] (13) "Operator" means a public entity or other person engaged in the transportation of passengers for hire.
- [(13)] (14) (a) "Public transit" means regular, continuing, shared-ride, surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.
 - (b) "Public transit" does not include transportation services provided by:
 - (i) chartered bus;
 - (ii) sightseeing bus;
 - (iii) taxi;

- (iv) school bus service;
- (v) courtesy shuttle service for patrons of one or more specific establishments; or
- (vi) intra-terminal or intra-facility shuttle services.
- [(14)] (15) "Public transit district" means a local district that provides public transit services.
- (16) "Seasonal bus service" means a public transit bus service offered primarily for recreational access and only during certain seasons.
- [(15)] (17) "Small public transit district" means any public transit district that is not a large public transit district.
- [(16)] (18) "Station area plan" means a plan adopted by the relevant municipality or county that establishes and preserves a vision for areas within one-half mile of a fixed guideway station of a large public transit district, the development of which includes:
- (a) involvement of all relevant stakeholders who have an interest in the station area, including relevant metropolitan planning organizations;
- (b) identification of major infrastructural and policy constraints and a course of action to address those constraints; and
- (c) other criteria as determined by the board of trustees of the relevant public transit district.
- [(17)] (19) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or unloading zone, parking lot, or other facility:
 - (a) leased by or operated by or on behalf of a public transit district; and
 - (b) related to the public transit services provided by the district, including:
 - (i) railway or other right-of-way;
 - (ii) railway line; and
- (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.
- [(18)] (20) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle operated as public transportation by a public transit district.
- [(19)] (21) "Transit-oriented development" means a mixed use residential or commercial area that is designed to maximize access to public transit and includes the development of land owned by a large public transit district.

[(20)] (22) "Transit-supportive development" means a mixed use residential or
commercial area that is designed to maximize access to public transit and does not include the
development of land owned by a large public transit district.
{ Section 1. Section 17B-2a-808.1 is amended to read:
17B-2a-808.1. Large public transit district board of trustees powers and duties
Adoption of ordinances, resolutions, or orders Effective date of ordinances.
(1) The powers and duties of a board of trustees of a large public transit district stated
in this section are in addition to the powers and duties stated in Section 17B-1-301.
(2) The board of trustees of each large public transit district shall:
(a) hold public meetings and receive public comment;
(b) ensure that the policies, procedures, and management practices established by the
public transit district meet state and federal regulatory requirements and federal grantee
eligibility;
(c) subject to Subsection (8), create and approve an annual budget, including the
issuance of bonds and other financial instruments, after consultation with the local advisory
council;
(d) approve any interlocal agreement with a local jurisdiction;
(e) in consultation with the local advisory council, approve contracts and overall
property acquisitions and dispositions for transit-oriented development;
(f) in consultation with constituent counties, municipalities, metropolitan planning
organizations, and the local advisory council:
(i) develop and approve a strategic plan for development and operations on at least a
four-year basis; and
(ii) create and pursue funding opportunities for transit capital and service initiatives to
meet anticipated growth within the public transit district;
(g) annually report the public transit district's long-term financial plan to the State
Bonding Commission;
(h) annually report the public transit district's progress and expenditures related to state
resources to the Executive Appropriations Committee and the Infrastructure and General
Government Appropriations Subcommittee;
(i) annually report to the Transportation Interim Committee the public transit district's







- (5) The board of trustees may not issue a bond unless the board of trustees has consulted and received approval from the State Bonding Commission created in Section 63B-1-201.
- (6) A member of the board of trustees of a large public transit district or a hearing officer designated by the board may administer oaths and affirmations in a district investigation or proceeding.
- (7) (a) The vote of the board of trustees on each ordinance or resolution shall be by roll call vote with each affirmative and negative vote recorded.
- (b) The board of trustees of a large public transit district may not adopt an ordinance unless it is introduced at least 24 hours before the board of trustees adopts it.
- (c) Each ordinance adopted by a large public transit district's board of trustees shall take effect upon adoption, unless the ordinance provides otherwise.
- (8) (a) For a large public transit district in existence on May 8, 2018, for the budget for calendar year 2019, the board in place on May 8, 2018, shall create the tentative annual budget.
- (b) The budget described in Subsection (8)(a) shall include setting the salary of each of the members of the board of trustees that will assume control on or before November 1, 2018, which salary may not exceed \$150,000, plus additional retirement and other standard benefits, as set by the local advisory council as described in Section 17B-2a-808.2.
- (c) For a large public transit district in existence on May 8, 2018, the board of trustees that assumes control of the large public transit district on or before November 2, 2018, shall approve the calendar year 2019 budget on or before December 31, 2018.
- Section 2. Section 17B-2a-815 is amended to read:

17B-2a-815. Rates and charges for service -- Fare collection information private.

- (1) (a) [The] Except as provided in Subsection (1)(b), the board of trustees of a public transit district shall fix rates and charges for service provided by the district by a two-thirds vote of all board members.
- (b) { A}(i) Except as provided in Subsection (1)(b)(ii), a large public transit district may not charge a fare for {any public transit} a bus service {provided by the} that is a regular, continuing, bus route.
 - (ii) A large public transit district may charge a fare for:
 - (A) a public transit service on a fixed guideway; or

- (B) a seasonal bus service.
- (2) Rates and charges shall:
- (a) be reasonable; and
- (b) to the extent practicable:
- (i) result in enough revenue to make the public transit system self supporting; and
- (ii) be sufficient to:
- (A) pay for district operating expenses;
- (B) provide for repairs, maintenance, and depreciation of works and property that the district owns or operates;
 - (C) provide for the purchase, lease, or acquisition of property and equipment;
 - (D) pay the interest and principal of bonds that the district issues; and
- (E) pay for contracts, agreements, leases, and other legal liabilities that the district incurs.
- (3) (a) In accordance with Section 63G-2-302, the following personal information received by the district from a customer through any debit, credit, or electronic fare payment process is a private record under Title 63G, Chapter 2, Government Records Access and Management Act:
 - (i) travel data, including:
 - (A) the identity of the purchasing individual or entity;
 - (B) travel dates, times, or frequency of use; and
 - (C) locations of use;
 - (ii) service type or vehicle identification used by the customer;
 - (iii) the unique transit pass identifier assigned to the customer; or
- (iv) customer account information, including the cardholder's name, the credit or debit card number, the card issuer identification, or any other related information.
- (b) Private records described in this Subsection (3) that are received by a public transit district may only be disclosed in accordance with Section 63G-2-202.